

HOUSE JOURNAL

OF THE

IDAHO LEGISLATURE

SECOND REGULAR SESSION
SIXTY-FIRST LEGISLATURE

**FORTY-SEVENTH LEGISLATIVE DAY
FRIDAY, FEBRUARY 24, 2012**

House of Representatives

The House convened at 10:30 a.m., the Speaker in the Chair.

Roll call showed 65 members present.

Absent and excused – Cronin, Henderson, Lacey, Smith(24), Stevenson. Total – 5.

Total – 70.

Prayer was offered by Chaplain Tom Dougherty.

The Pledge of Allegiance was led by Morgan Fox, Page.

Approval of Journal

February 24, 2012

Mr. Speaker:

We, your COMMITTEE ON JUDICIARY, RULES, AND ADMINISTRATION, report that we have read and approved the House Journal of the Forty-sixth Legislative Day and recommend that same be adopted as corrected.

WILLS, Chairman

Mr. Wills moved that the report be adopted. Seconded by Mr. Burgoyne. Report adopted.

Consideration of Messages from the Governor and the Senate

THE OFFICE OF THE GOVERNOR
EXECUTIVE DEPARTMENT
BOISE, IDAHO

CERTIFICATE OF APPOINTMENT

KNOW ALL MEN, by these Presents that Eric R. Anderson, State Representative, District 1, House Seat A, Bonner and Boundary Counties, State of Idaho, pursuant to the provisions of Section 59-917, Idaho Code, has nominated Mike Keough of Kootenai, Idaho, to perform the duties of this office temporarily as Acting State Representative.

NOW, THEREFORE, I, C.L. "BUTCH" OTTER, Governor of the State of Idaho, by virtue of the authority vested in me by Section 59-917, Idaho Code, do hereby appoint Mike Keough, Acting State Representative, District 1, House Seat A, Bonner and Boundary Counties, State of Idaho, for a term commencing on February 24, 2012, and continuing until the incumbent shall resume the performance of the duties.

IN TESTIMONY WHEREOF, I have hereunto set my hand and caused to be affixed the Great Seal of the State of Idaho.

Done at Boise, the Capital of Idaho, this 23rd day of February, in the year of our Lord two thousand and twelve and

of the Independence of the United States of America, the two hundred and thirty-sixth year.

/s/ C.L. "BUTCH" OTTER

Governor

/s/ BEN T. YSURSA

Secretary of State

The Certificate of Appointment was ordered filed in the office of the Chief Clerk.

The Speaker announced the oath of office had previously been administered to Mike Keough.

February 23, 2012

Mr. Speaker:

I return herewith enrolled [HJM 7](#) and [HJM 4](#) which have been signed by the President.

NOVAK, Secretary

Enrolled [HJM 7](#) and [HJM 4](#) were referred to the Judiciary, Rules, and Administration Committee for delivery to the Secretary of State.

February 23, 2012

Mr. Speaker:

I transmit herewith [S 1303](#), [S 1312](#), [S 1316](#), [S 1327](#), [S 1328](#), [S 1329](#), and [S 1277](#), as amended, which have passed the Senate.

NOVAK, Secretary

[S 1303](#), [S 1312](#), [S 1316](#), [S 1327](#), [S 1328](#), [S 1329](#), and [S 1277](#), as amended, were filed for first reading.

February 23, 2012

Mr. Speaker:

I return herewith [H 382](#), [H 383](#), [H 385](#), [H 412](#), [H 367](#), [H 402](#), [H 418](#), [H 391](#), and [H 374](#) which have passed the Senate.

NOVAK, Secretary

[H 382](#), [H 383](#), [H 385](#), [H 412](#), [H 367](#), [H 402](#), [H 418](#), [H 391](#), and [H 374](#) were referred to the Judiciary, Rules, and Administration Committee for enrolling.

February 23, 2012

Mr. Speaker:

I return herewith [H 358](#), as amended in the Senate, which has passed the Senate.

NOVAK, Secretary

[H 358](#), as amended in the Senate, was ordered held at the Desk.

Mr. Raybould asked unanimous consent that the House concur in the Senate amendments to [H 358](#), as amended in the Senate. There being no objection, it was so ordered.

[H 358](#), as amended in the Senate, was referred to the Judiciary, Rules, and Administration Committee for engrossing.

Report of Standing Committees

February 24, 2012

Mr. Speaker:

We, your COMMITTEE ON JUDICIARY, RULES, AND ADMINISTRATION, report that we have printed [HCR 45](#), [H 583](#), [H 584](#), [H 585](#), [H 586](#), and [H 587](#).

WILLS, Chairman

[HCR 45](#) and [H 587](#) were referred to the Business Committee.

[H 583](#) and [H 586](#) were referred to the Transportation and Defense Committee.

[H 584](#) and [H 585](#) were referred to the Revenue and Taxation Committee.

February 23, 2012

Mr. Speaker:

We, your COMMITTEE ON EDUCATION, report that we have had under consideration [H 556](#) and recommend that it do pass.

NONINI, Chairman

[H 556](#) was filed for second reading.

February 23, 2012

Mr. Speaker:

We, your COMMITTEE ON RESOURCES AND CONSERVATION, report that we have had under consideration [H 494](#) and recommend that it do pass.

STEVENSON, Chairman

[H 494](#) was filed for second reading.

February 23, 2012

Mr. Speaker:

We, your COMMITTEE ON JUDICIARY, RULES, AND ADMINISTRATION, report that we have had under consideration [H 403](#), [H 514](#), [S 1215](#), as amended, and [S 1292](#) and recommend that they do pass.

WILLS, Chairman

[H 403](#), [H 514](#), [S 1215](#), as amended, and [S 1292](#) were filed for second reading.

February 23, 2012

Mr. Speaker:

We, your COMMITTEE ON BUSINESS, report that we have had under consideration [H 447](#), [H 465](#), [H 492](#), [H 539](#), [SCR 118](#), and [SCR 119](#) and recommend that they do pass.

BLACK, Chairman

[H 447](#), [H 465](#), [H 492](#), [H 539](#), [SCR 118](#), and [SCR 119](#) were filed for second reading.

February 23, 2012

Mr. Speaker:

We, your COMMITTEE ON COMMERCE AND HUMAN RESOURCES, report that we have had under consideration [HCR 40](#) and [H 523](#) and report them back with amendments attached to be placed on General Orders for consideration.

BLOCK, Chairman

[HCR 40](#) and [H 523](#) were placed on General Orders for consideration.

There being no objection, the House advanced to the Eighth Order of Business.

Introduction, First Reading, and Reference of Bills and Joint Resolutions

HOUSE BILL NO. 588 BY EDUCATION COMMITTEE AN ACT

RELATING TO EDUCATION; AMENDING SECTION 33-1003, IDAHO CODE, TO REVISE PROVISIONS RELATING TO SPECIAL APPLICATIONS OF THE EDUCATIONAL SUPPORT PROGRAM, TO ESTABLISH PROVISIONS RELATING TO A SCHOOL DISTRICT PROVIDING EDUCATIONAL SERVICES TO STUDENTS

RESIDING IN A CERTAIN AREA, TO PROVIDE THAT SUCH STUDENTS SHALL BE COUNTED AS A SEPARATE SCHOOL AND TO PROVIDE FOR EXCEPTIONS.

HOUSE BILL NO. 589 BY EDUCATION COMMITTEE AN ACT

RELATING TO EDUCATION; REPEALING SECTION 33-1002A, IDAHO CODE, RELATING TO FRACTIONAL AVERAGE DAILY ATTENDANCE; AND AMENDING CHAPTER 10, TITLE 33, IDAHO CODE, BY THE ADDITION OF A NEW SECTION 33-1002A, IDAHO CODE, TO ESTABLISH PROVISIONS RELATING TO FRACTIONAL AVERAGE DAILY ATTENDANCE, TO ESTABLISH PROVISIONS RELATING TO COUNTING ATTENDANCE OF CERTAIN STUDENTS, TO PROVIDE THAT NO STUDENT SHALL BE FUNDED AT A RATE EXCEEDING A SINGLE FULL-TIME STUDENT FUNDING RATE, TO PROVIDE THAT A PARENT OR GUARDIAN MAY ENROLL A STUDENT IN COURSES THAT WOULD CAUSE THE STUDENT'S COST TO EXCEED THE SINGLE STUDENT FUNDING RATE, TO ESTABLISH PROVISIONS RELATING TO SECONDARY ATTENDANCE, TO ESTABLISH PROVISIONS RELATING TO ELIGIBILITY FOR FUNDING, TO ESTABLISH PROVISIONS RELATING TO THE ADDING FRACTIONAL STUDENT ATTENDANCE HOURS TOGETHER, TO ESTABLISH PROVISIONS RELATING TO ATTENDANCE FOR ONLINE COURSES, TO DEFINE A TERM, TO PROHIBIT THE OFFERING OF CERTAIN COURSES AND TO PROVIDE THAT CERTAIN COURSES OFFERED SHALL BE PRESUMED TO MEET CERTAIN STANDARDS.

HOUSE BILL NO. 590 BY EDUCATION COMMITTEE AN ACT

RELATING TO PUBLIC CHARTER SCHOOLS; AMENDING SECTION 33-5205, IDAHO CODE, TO REVISE PROVISIONS RELATING TO A PETITION SUBMITTED TO THE BOARD OF TRUSTEES, TO REVISE PROVISIONS RELATING TO PETITIONS RECEIVED BY AN AUTHORIZED CHARTERING ENTITY, TO REVISE PROVISIONS RELATING TO A PUBLIC HEARING, TO REVISE CERTAIN TIMING PROVISIONS, TO PROVIDE FOR AN AGREEMENT, TO PROVIDE FOR A PRIMARY ATTENDANCE AREA, TO REVISE PROVISIONS RELATING TO ADMISSION PROCEDURES, TO REVISE PROVISIONS RELATING TO TRANSPORTATION SERVICES, TO ESTABLISH PROVISIONS RELATING TO A CHARTER FOR A PUBLIC VIRTUAL SCHOOL, TO ELIMINATE LANGUAGE RELATING TO A PUBLIC CHARTER SCHOOL WORKSHOP AND TO ELIMINATE LANGUAGE RELATING TO A CHARTER FOR A PUBLIC VIRTUAL CHARTER SCHOOL; AMENDING SECTION 33-5205A, IDAHO CODE, TO REVISE TERMINOLOGY RELATING TO THE TRANSFER OF A CHARTER AND TO MAKE A TECHNICAL CORRECTION; AMENDING SECTION 33-5206, IDAHO CODE, TO REVISE PROVISIONS RELATING TO ATTENDANCE AREA, TO ESTABLISH PROVISIONS RELATING TO REVISION OF A CHARTER AND TO PROVIDE A CORRECT CODE REFERENCE; AMENDING SECTION 33-5207, IDAHO CODE, TO REVISE PROVISIONS RELATING TO THE REVIEW OF A CHARTER PETITION; AMENDING SECTION 33-5208, IDAHO CODE, TO ELIMINATE OBSOLETE

LANGUAGE AND TO REMOVE A CODE REFERENCE; AMENDING SECTION 33-5209, IDAHO CODE, TO ELIMINATE LANGUAGE RELATING TO THE REVISION OF A CHARTER; AMENDING SECTION 33-5210, IDAHO CODE, TO PROVIDE THAT CERTAIN PUBLIC CHARTER SCHOOLS ARE SUBJECT TO RULES; AMENDING SECTION 33-5211, IDAHO CODE, TO REVISE PROVISIONS RELATING TO ASSISTANCE PROVIDED BY THE STATE DEPARTMENT OF EDUCATION; AMENDING SECTION 33-5213, IDAHO CODE, TO REVISE PROVISIONS RELATING TO TERMS OF OFFICE AND TO MAKE TECHNICAL CORRECTIONS; AMENDING SECTION 33-1619, IDAHO CODE, TO PROVIDE CORRECT CODE REFERENCES; AND AMENDING SECTION 33-5202A, IDAHO CODE, TO REMOVE A CODE REFERENCE AND TO MAKE A TECHNICAL CORRECTION.

[H 588](#), [H 589](#), and [H 590](#) were introduced, read the first time by title, and referred to the Judiciary, Rules, and Administration Committee for printing.

[S 1303](#), by Agricultural Affairs Committee, was introduced, read the first time by title, and referred to the Agricultural Affairs Committee.

[S 1312](#), by Transportation Committee, was introduced, read the first time by title, and referred to the Transportation and Defense Committee.

[S 1316](#), by Local Government and Taxation Committee, was introduced, read the first time by title, and referred to the Local Government Committee.

[S 1327](#), [S 1328](#), and [S 1329](#), by Education Committee, were introduced, read the first time by title, and referred to the Education Committee.

[S 1277](#), as amended, by Health and Welfare Committee, was introduced, read the first time by title, and referred to the Commerce and Human Resources Committee.

There being no objection, the House advanced to the Tenth Order of Business.

Second Reading of Bills and Joint Resolutions

[HCR 42](#), [HCR 43](#), and [H 555](#), by State Affairs Committee, were read the second time by title and filed for third reading.

[H 481](#), by Education Committee, was read the second time by title and filed for third reading.

[H 472](#), by Transportation and Defense Committee, was read the second time by title and filed for third reading.

[H 513](#), by Agricultural Affairs Committee, was read the second time by title and filed for third reading.

[S 1259](#), by Agricultural Affairs Committee, was read the second time by title and filed for third reading.

[H 561](#), by Local Government Committee, was read the second time by title and filed for third reading.

[SCR 115](#), by Health and Welfare Committee, was read the second time by title and filed for third reading.

[H 503](#), by Health and Welfare Committee, was read the second time by title and filed for third reading.

There being no objection, the House advanced to the Twelfth Order of Business.

Consideration of General Orders

Mr. Moyle moved that the House do now resolve itself into a Committee of the Whole House for the consideration of General Orders. Seconded by Mr. Rusche. Motion carried.

Whereupon the House resolved itself into a Committee of the Whole House for the consideration of General Orders with Mr. Bedke in the Chair.

When the Committee of the Whole House rose, the Speaker returned to the Chair and the House was in order.

Report of the Committee of the Whole House

February 24, 2012

Mr. Speaker:

We, your COMMITTEE OF THE WHOLE HOUSE, report that we have had under consideration [H 386](#), [H 488](#), [H 491](#), [H 479](#), [S 1243](#), [H 507](#), [H 485](#), [H 511](#), [H 486](#), [H 439](#), [H 522](#), [H 520](#), [H 540](#), [H 512](#), [H 502](#), and [H 564](#) and report them back without recommendation, amended as follows:

HOUSE AMENDMENT TO H.B. NO. 386

AMENDMENT TO SECTION 1

On page 2 of the printed bill, delete lines 42 through 49, and insert:

"(56) Affected institutions shall in their preparation of future budgets include therein costs resultant from such tuition, fee, book, equipment, supply, housing and subsistence loss for reimbursement thereof from appropriations of state funds."

AMENDMENT TO SECTION 2

On page 4, delete lines 14 through 21, and insert:

"(34) Affected institutions and colleges shall, in their preparation of future budgets, include therein costs resulting from such tuition, fees, housing, meals, books, equipment and supplies for reimbursement thereof from appropriation of state funds."

CORRECTION TO TITLE

On page 1, in line 10, delete "TO ESTABLISH PROVISIONS RELATING TO AN APPROPRIATION,"; in line 17, delete "TO ESTABLISH PROVISIONS RELATING TO AN"; and in line 18, delete "APPROPRIATION,".

HOUSE AMENDMENT TO H.B. NO. 488

AMENDMENT TO THE BILL

On page 1 of the printed bill, delete lines 11 through 42; and delete pages 2 and 3, and insert:

"SECTION 1. That Section 63-3029C, Idaho Code, be, and the same is hereby amended to read as follows:

63-3029C. INCOME TAX CREDIT FOR CERTAIN CHARITABLE CONTRIBUTIONS – LIMITATION. At the election of the taxpayer, there shall be allowed, subject to the applicable limitations provided herein, as a credit against the income tax imposed by chapter 30, title 63, Idaho Code, an amount equal to fifty percent (50%) of the aggregate amount of charitable contributions made by such taxpayer during the year to the anchor house or its foundation, to the children's home society of Idaho, inc., to the Idaho youth ranch or its foundation, to kinderhaven or its foundation, to the women's and children's alliance or its foundation, to children's village, inc. or its foundation, to Idaho drug free youth, inc. or its foundation, to gem youth services or its foundation, to the hope house, inc. or its

foundation, to the north Idaho children's home or its foundation, to the shepherd's home, inc. or its foundation, to a project safe place located within the state of Idaho, to the learning lab, inc. or its foundation, to a center for independent living located within the state of Idaho, to Sun Valley adaptive sports program, inc., to project P.A.T.C.H., planned assistance for troubled children, to a nonprofit substance abuse center licensed by the department of health and welfare, or to a nonprofit rehabilitation facility located within the state of Idaho or its foundation.

(1) In the case of a taxpayer other than a corporation, the amount allowable as a credit under this section for any taxable year shall not exceed twenty percent (20%) of such taxpayer's total income tax liability imposed by section 63-3024, Idaho Code, for the year, or one hundred dollars (\$100), whichever is less.

(2) In the case of a corporation, the amount allowable as a credit under this section for any taxable year shall not exceed ten percent (10%) of such corporation's total income or franchise tax liability imposed by sections 63-3025 and 63-3025A, Idaho Code, for the year, or five hundred dollars (\$500), whichever is less.

(3) For the purposes of this section, "center for independent living" shall mean a private, nonprofit, nonresidential organization in which at least fifty-one percent (51%) of the principal governing board, management and staff are individuals with disabilities and that:

(a) Is designed and operated within a local community by individuals with disabilities;

(b) Provides an array of independent living services and programs; and

(c) Is cross-disability.

(4) For the purposes of this section, "nonprofit rehabilitation facility" means only a facility that is accredited by the commission on accreditation of rehabilitation facilities or another accreditation organization recognized by the state of Idaho.

SECTION 2. An emergency existing therefor, which emergency is hereby declared to exist, this act shall be in full force and effect on and after its passage and approval, and retroactively to January 1, 2012."

CORRECTION TO TITLE

On page 1, delete lines 2 through 9, and insert:

"RELATING TO INCOME TAXATION; AMENDING SECTION 63-3029C, IDAHO CODE, TO PROVIDE AN ADDITIONAL ORGANIZATION FOR WHICH AN INCOME TAX CREDIT WILL BE GIVEN FOR A CHARITABLE CONTRIBUTION TO THE ORGANIZATION; DECLARING AN EMERGENCY AND PROVIDING RETROACTIVE APPLICATION."

HOUSE AMENDMENT TO H.B. NO. 491

AMENDMENT TO SECTION 1

On page 1 of the printed bill, in line 18, following "sion." insert: "Except for functions or capabilities unique to this state, voting machines and vote tally systems shall be tested and the results certified by an independent testing authority designated by the secretary of state prior to certification."

CORRECTION TO TITLE

On page 1, in line 4, following "IDAHO" insert: "AND TO PROVIDE FOR TESTING WITH EXCEPTIONS PRIOR TO CERTIFICATION".

HOUSE AMENDMENT TO H.B. NO. 479

AMENDMENT TO SECTION 1

On page 1 of the printed bill, delete lines 21 through 24, and insert: "home of this state. Prior to appointing the administrator as a recipient of resident funds, the paying entity shall conduct its customary process for determining the need for the appointment and conclude that the appointment of the administrator complies with the laws, policies and procedures applicable to the paying entity. The administrator shall provide the resident with notice and an opportunity to appeal the appointment before accepting appointment as a recipient of the resident's funds. The process for appeal of the appointment shall be set forth in rules promulgated by the administrator."

HOUSE AMENDMENT TO S.B. NO. 1243

AMENDMENT TO THE BILL

On page 1 of the printed bill, delete lines 18 through 42; and delete pages 2, 3, 4, 5, 6 and 7, and insert:

"SECTION 1. That Section 49-402, Idaho Code, be, and the same is hereby amended to read as follows:

49-402. ANNUAL REGISTRATION. (1) The annual fee for operating each pickup truck, each neighborhood electric vehicle and each other motor vehicle having a maximum gross weight not in excess of eight thousand (8,000) pounds and that complies with the federal motor vehicle safety standards as defined in section 49-107, Idaho Code, shall be:

Vehicles one (1) and two (2) years old \$48.00

Vehicles three (3) and four (4) years old \$36.00

Vehicles five (5) and six (6) years old \$36.00

Vehicles seven (7) and eight (8) years old \$24.00

Vehicles over eight (8) years old \$24.00

There shall be twelve (12) registration periods, starting in January for holders of validation registration stickers numbered 1, and proceeding consecutively through December for holders of validation registration stickers numbered 12, each of which shall start on the first day of a calendar month and end on the last day of the twelfth month from the first day of the beginning month. Registration periods shall expire midnight on the last day of the registration period in the year designated by the validation registration sticker. The numeral digit on the validation registration stickers shall, as does the registration card, fix the registration period under the staggered plate system of Idaho for the purpose of reregistration and notice of expiration.

A vehicle that has once been registered for any of the above designated periods shall, upon reregistration, be registered for the period bearing the same number, and the registration card shall show and be the exclusive proof of the expiration date of registration and licensing. Vehicles may be initially registered for less than a twelve (12) month period, or for more than a twelve (12) month period, and the fee prorated on a monthly basis if the fractional registration tends to fulfill the purpose of the monthly series registration system.

(2) For all school buses operated either by a nonprofit, nonpublic school or operated pursuant to a service contract with a school district for transporting children to or from school or in connection with school approved activities, the annual fee shall be twenty-four dollars (\$24.00).

(3) For all motorcycles and motor-driven cycles which comply with the federal motor vehicle safety standards, operated upon the public highways the annual fee shall be nine dollars (\$9.00).

(4) For operation of an all-terrain vehicle, utility type vehicle or motorbike, excluding a motorbike with an engine

displacement of fifty (50) cubic centimeters or less, on city, county or highway district roads or highways open to such use, a restricted vehicle license plate fee pursuant to section 49-450, Idaho Code, shall be paid. In addition, the registration fee specified in section 67-7122, Idaho Code, shall be paid as provided in section 67-7122, Idaho Code. The registration and restricted vehicle license plate exemption provided in section 49-426(2), Idaho Code, applies to all-terrain vehicles, utility type vehicles, motorbikes and motorcycles used for the purposes described in subsection (2) of section 49-426, Idaho Code. Nonresidents shall be allowed to purchase a restricted vehicle license plate and sticker for an all-terrain vehicle, utility type vehicle or motorbike.

(5) For all motor homes the fee shall be as specified in subsection (1) of this section and shall be in addition to the fees provided for in section 49-445, Idaho Code.

(6) Registration fees shall not be subject to refund.

(7) A financial institution or repossession service contracted to a financial institution repossessing vehicles under the terms of a security agreement shall move the vehicle from the place of repossession to the financial institution's place of business on a repossession plate. The repossession plate shall also be used for demonstrating the vehicle to a prospective purchaser for a period not to exceed ninety-six (96) hours. The registration fees for repossession plates shall be as required in subsection (1) of this section for a vehicle one (1) and two (2) years old. All other fees required under chapter 4, title 49, Idaho Code, shall be in addition to the registration fee. The repossession plate shall be issued on an annual basis by the department.

(8) A wrecker or towing business engaged in the process of towing motorized vehicles, which have been wrecked, abandoned, salvaged or may be disabled, may apply for a wrecker plate to be displayed on those vehicles being towed, provided the power unit is properly registered under this chapter. The registration fees for wrecker plates shall be as required in subsection (1) of this section for a vehicle one (1) and two (2) years old. All other fees required under chapter 4, title 49, Idaho Code, shall be in addition to the registration fee. The wrecker plate shall be issued on an annual basis by the department.

(9) In addition to the annual registration fee in this section, there shall be an initial program fee of twenty-five dollars (\$25.00) and an annual program fee of fifteen dollars (\$15.00) for all special license plate programs for those license plates issued pursuant to sections 49-404A, 49-407, 49-408, 49-409, 49-414, 49-416, 49-418 and 49-418D, Idaho Code. For special plates issued pursuant to sections 49-406 and 49-406A, Idaho Code, there shall be an initial program fee of twenty-five dollars (\$25.00) but there shall be no annual renewal fee. For special plates issued pursuant to sections 49-415C, 49-415D, 49-415E, 49-416A, 49-416B, 49-416C, 49-416D, 49-416E, 49-417, 49-417A, 49-417B, 49-417C, 49-417D, 49-417E, 49-418A, 49-418B, 49-418C, 49-418E, 49-419, 49-419A, 49-419B, 49-419C, 49-419D, 49-419E, 49-420, 49-420A, 49-420B, 49-420C, 49-420D, 49-420E, 49-420G, 49-420H, 49-420I, 49-420J and 49-420K, Idaho Code, and any new special plate program effective on and after January 1, 2013, pursuant to section 49-402D, Idaho Code, there shall be an initial program fee of thirty-five dollars (\$35.00) and an annual program fee of twenty-five dollars (\$25.00). The fees contained in this subsection shall be applicable to all new special plate programs. The initial program fee and the annual program fee shall be deposited in the state highway account and shall be used to fund the cost of administration of special license plate programs, unless otherwise specified by law.

(10) Any vehicle that does not meet federal motor vehicle safety standards shall not be registered and shall not be permitted to operate on public highways of the state, as defined in section 40-117, Idaho Code, unless otherwise specifically authorized.

SECTION 2. That Chapter 4, Title 49, Idaho Code, be, and the same is hereby amended by the addition thereto of a NEW SECTION, to be known and designated as Section 49-402D, Idaho Code, and to read as follows:

49-402D. SPECIAL LICENSE PLATE PREQUALIFICATION PROCESS. (1) Any special plate consideration shall:

(a) Submit a financial plan for the use of the proceeds from the special license plate sales; and

(b) Designate an individual who shall be deemed responsible by the agency for certifying compliance with the requirements of this section and working with the department; and

(c) Submit evidence to the department that the applicant has 501(c)(3) federal income tax status that has been in existence for at least two (2) years.

(d) The department is authorized and shall adopt and promulgate rules to carry out the provisions of this section.

(2) If the request for a special license plate is approved by the department, the following requirements, in addition to those set out in subsection (1) of this section, shall be met by September 1 prior to the next legislative session.

(a) The applicant shall deposit estimated programming and administrative costs with the department to be utilized for programming costs of the specialty plate. Administrative costs in the amount of one thousand dollars (\$1,000) shall be nonrefundable.

(b) In addition to the requirements provided for in section 49-402C, Idaho Code, the applicant requesting a special license plate program shall provide to the department an acceptable plate design.

(c) The applicant shall transmit to the department a list of two hundred fifty (250) applicants whose vehicles are currently registered in the state of Idaho, who intend to purchase the specialty plate when available, as evidenced by completing forms provided by the department.

(3) The department shall submit the completed applications for special license plate programs that meet the requirements of this section to the chairmen of the senate transportation committee and the house of representatives transportation and defense committee each year on behalf of the agency to be included for consideration in the next legislative session.

(4) On an annual basis, by December 1 of each calendar year, the applicant that is a requestor of a special license plate program, shall prepare an annual report, which shall be made available on request, and shall be forwarded to the department. Such report shall include an accounting of revenues and expenditures associated with the funds collected for the special license plate program. The department shall compile and forward such reports to the chairmen of the senate transportation committee and the house of representatives transportation and defense committee by January 15 of each year. Failure of the agency to provide such report by the due date shall result in the suspension of the special license plate program sales on January 1 until such report is provided.

(5) Any decision by the department that the special license plate program application does not meet the provisions of this section may be appealed to the director of the department. Such

notice of appeal shall be made in writing within twenty (20) days of the notice of denial."

CORRECTION TO TITLE

On page 1, delete lines 2 through 16, and insert:
 "RELATING TO MOTOR VEHICLE REGISTRATION AND LICENSE PLATES; AMENDING SECTION 49-402, IDAHO CODE, TO REVISE PROVISIONS RELATING TO INITIAL PROGRAM FEES; AND AMENDING CHAPTER 4, TITLE 49, IDAHO CODE, BY THE ADDITION OF A NEW SECTION 49-402D, IDAHO CODE, TO PROVIDE THAT ANY APPLICANT SEEKING TO PARTICIPATE IN THE SPECIAL LICENSE PLATE PROGRAM SHALL BE REQUIRED TO COMPLETE AN APPLICATION PROCESS, TO PROVIDE REQUIREMENTS, TO PROVIDE FOR RULES, TO PROVIDE ADDITIONAL REQUIREMENTS, TO PROVIDE THAT THE DEPARTMENT SHALL SUBMIT COMPLETED APPLICATIONS TO THE CHAIRMEN OF THE SENATE TRANSPORTATION COMMITTEE AND THE HOUSE OF REPRESENTATIVES TRANSPORTATION AND DEFENSE COMMITTEE, TO PROVIDE FOR A REPORT AND TO PROVIDE FOR APPEALS."

HOUSE AMENDMENT TO H.B. NO. 507

AMENDMENT TO SECTION 1

On page 3 of the printed bill, delete lines 5 through 9, and insert:

"(h)(i) Any urban renewal plan containing a revenue allocation financing provision shall include the information set forth in section 50-2905, Idaho Code.

(ii) A plan prepared or approved for an urban"; and delete lines 16 and 17.

CORRECTION TO TITLE

On page 1, in line 2, delete "TO RE-"; delete line 3; in line 4, delete "RENEWAL PLANS,"; in line 7, delete ", TO ESTABLISH THAT A PLAN"; and in line 8, delete "SHALL INCLUDE A TERMINATION DATE".

HOUSE AMENDMENT TO H.B. NO. 485

AMENDMENT TO SECTION 1

On page 1 of the printed bill, in line 21, following the second "residence" insert: "that serves as the place of residence of the individual taxpayer"; and in line 23, delete "2004" and insert: "2002".

HOUSE AMENDMENT TO H.B. NO. 511

AMENDMENT TO SECTION 1

On page 2 of the printed bill, in line 3, following "itself" insert: ", towers used for military purposes excepted".

HOUSE AMENDMENT TO H.B. NO. 486

AMENDMENT TO SECTION 1

On page 1 of the printed bill, delete lines 12 and 13; in line 14, delete "(b)" and insert: "(a)"; in line 17, delete "(c)" and insert: "(b)"; in line 21, following "use a" delete "photother-"; in line 22, delete "apy device,"; in line 24, following "use a" delete "photother-"; and in line 25, delete "apy device,".

CORRECTION TO TITLE

On page 1, in line 4, delete "PHOTOTHERAPY DEVICE,".

HOUSE AMENDMENT TO H.B. NO. 486

AMENDMENT TO SECTION 1

On page 1 of the printed bill, in line 29, delete "five hundred dollars (\$500)" and insert: "one hundred dollars (\$100)"; and in line 31, following "shall be fined" delete "not less than five hundred dollars (\$500)" and insert: "three hundred dollars (\$300). For all other subsequent violations, such person shall be fined not less than three hundred dollars (\$300)".

HOUSE AMENDMENT TO H.B. NO. 439

AMENDMENT TO SECTION 1

On page 2 of the printed bill, in line 29, delete "~~misdemeanor felony~~" and insert: "misdemeanor"; and in line 40, delete "~~misdemeanor felony~~" and insert: "misdemeanor".

CORRECTION TO TITLE

On page 1, delete lines 3 through 8, and insert: "SECTION 37-2726, IDAHO CODE, TO REVISE PROVISIONS RELATING TO THOSE INDIVIDUALS AND ENTITIES THAT MAY ACCESS THE CONTROLLED SUBSTANCES PRESCRIPTIONS DATABASE, TO PROVIDE FOR VIOLATIONS AND PENALTIES RELATING TO THE FAILURE TO SAFEGUARD CERTAIN USER ACCOUNTS, LOGIN NAMES AND PASSWORDS, TO PROVIDE THAT THE BOARD MAY BLOCK CERTAIN ACCESS, TO REMOVE PROVISIONS RELATING TO THE APPLICABILITY OF SPECIFIED DEFINITIONS AND TO MAKE TECHNICAL CORRECTIONS; AND AMENDING SECTION 37-2730A, IDAHO CODE,".

HOUSE AMENDMENT TO H.B. NO. 522

AMENDMENT TO SECTION 1

On page 2 of the printed bill, in line 41, following "(TAFI program" delete ", or pursuant to the aid for"; and in line 42, delete "the aged, blind or disabled (AABD) program,".

HOUSE AMENDMENT TO H.B. NO. 522

AMENDMENT TO SECTION 1

On page 1 of the printed bill, in line 41, following "Idaho Code" insert: ", with the exception of special distributors as referenced in chapter 3, title 23, Idaho Code".

HOUSE AMENDMENT TO H.B. NO. 520

AMENDMENT TO SECTION 1

On page 1 of the printed bill, in line 26, delete "outside wiring for fire and"; and in line 27, delete "security and".

HOUSE AMENDMENT TO H.B. NO. 540

AMENDMENT TO SECTION 1

On page 2 of the printed bill, in line 20, following "liability" insert: "related to this section".

HOUSE AMENDMENT TO H.B. NO. 512

AMENDMENT TO SECTION 6

On page 4 of the printed bill, in line 40, following "sale." insert: "In addition to the assessment provisions of this section related to wool, the board may by rule establish an assessment on goats that would assess goats on a per head basis and at a rate that is comparable to the assessment on wool.".

CORRECTION TO TITLE

On page 1, in line 12, delete "AND" and insert: ","; and in line 13, following "PROVISIONS" insert: "AND TO PROVIDE THAT THE BOARD MAY BY RULE ESTABLISH AN ASSESSMENT ON GOATS THAT WOULD ASSESS GOATS ON A PER HEAD BASIS AND AT A RATE THAT IS COMPARABLE TO THE ASSESSMENT ON WOOL".

HOUSE AMENDMENT TO H.B. NO. 512

AMENDMENT TO SECTION 2

On page 2 of the printed bill, delete line 11, and insert: "same county; said members shall be appointed by, and serve at the pleasure of, the governor. Members shall and hold their"; and in line 37, following "board." insert: "The Idaho sheep and goat health board may request the removal of a board member, with or without cause, by a majority vote. Upon receipt of the request, the governor may immediately withdraw the board member's appointment."

CORRECTION TO TITLE

On page 1, in line 5, following "BOARD," insert: "TO PROVIDE THAT BOARD MEMBERS SHALL SERVE AT THE PLEASURE OF THE GOVERNOR,"; also in line 5, delete "AND" and insert: ","; and also in line 5, following "ACCOUNT" insert: ", TO PROVIDE THAT THE IDAHO SHEEP AND GOAT HEALTH BOARD MAY REQUEST THE REMOVAL OF A BOARD MEMBER AND TO PROVIDE THAT UPON RECEIPT OF A REQUEST FOR REMOVAL OF A BOARD MEMBER, THE GOVERNOR MAY WITHDRAW THE BOARD MEMBER'S APPOINTMENT".

HOUSE AMENDMENT TO H.B. NO. 502

AMENDMENT TO SECTION 1

On page 4 of the printed bill, delete lines 34 through 50; and on page 5, delete lines 1 through 22, and insert:

"a. Any compound structurally derived from 3-(1-naphthoyl)indole or 1H-indol-3-yl-(1-naphthyl)methane by substitution at the nitrogen atom of the indole ring by alkyl, alkenyl, cycloalkylmethyl, cycloalkylethyl or 2-(4-morpholinyl)ethyl to any extent, whether or not further substituted in the indole ring to any extent, whether or not substituted in the naphthyl ring to any extent.

b. Any compound structurally derived from 3-(1-naphthoyl)pyrrole by substitution at the nitrogen atom of the pyrrole ring by alkyl, alkenyl, cycloalkylmethyl, cycloalkylethyl or 2-(4-morpholinyl)ethyl to any extent, whether or not further substituted in the pyrrole ring to any extent, whether or not substituted in the naphthyl ring to any extent.

c. Any compound structurally derived from 1-(1-naphthylmethyl)indene by substitution at the 3-position of the indene ring by alkyl, alkenyl, cycloalkylmethyl, cycloalkylethyl or 2-(4-morpholinyl)ethyl to any extent, whether or not further substituted in the indene ring to any extent, whether or not substituted in the naphthyl ring to any extent.

d. Any compound structurally derived from 3-phenylacetylindole by substitution at the nitrogen atom of the indole ring by alkyl, alkenyl, cycloalkylmethyl, cycloalkylethyl or 2-(4-morpholinyl)ethyl to any extent, whether or not further substituted in the indole ring to any extent, whether or not substituted in the phenyl ring to any extent.

e. Any compound structurally derived from 2-(3-hydroxycyclohexyl)phenol by substitution at the 5-position of the phenolic ring by alkyl, alkenyl, cycloalkylmethyl, cycloalkylethyl or 2-(4-morpholinyl)ethyl to any extent, whether or not substituted in the cyclohexyl ring to any extent.

f. Any compound structurally derived from 3-(benzoyl)indole structure with substitution at the nitrogen atom of the indole ring by alkyl, alkenyl, cycloalkylmethyl, cycloalkylethyl, 1-(N-methyl-2-piperidinyl)methyl or 2-(4-morpholinyl)ethyl to any extent, whether or not further substituted in the indole ring to any extent and whether or not substituted in the phenyl ring to any extent."

HOUSE AMENDMENT TO H.B. NO. 564

AMENDMENT TO SECTION 2

On page 7 of the printed bill, delete lines 1 and 2, and insert: "has not been substantiated."

We have also had under consideration [S 1269](#) and [H 562](#), report progress and beg leave to sit again.

BEDKE, Chairman

Mr. Bedke moved that the report be adopted. Seconded by Mr. Moyle.

Whereupon the Speaker declared the report adopted.

[H 386](#), as amended, [H 488](#), as amended, [H 491](#), as amended, [H 479](#), as amended, [H 507](#), as amended, [H 485](#), as amended, [H 511](#), as amended, [H 486](#), as amended, [H 439](#), as amended, [H 522](#), as amended, [H 520](#), as amended, [H 540](#), as amended, [H 512](#), as amended, [H 502](#), as amended, and [H 564](#), as amended, were referred to the Judiciary, Rules, and Administration Committee for engrossing.

[S 1243](#), as amended in the House, was filed for first reading.

[S 1269](#) and [H 562](#) were retained on General Orders.

The amendments were referred to Judiciary, Rules, and Administration committee for printing.

There being no objection, the House returned to the Eleventh Order of Business.

Third Reading of Bills and Joint Resolutions

Mr. Wills asked unanimous consent that [S 1263](#) be returned to the Judiciary, Rules, and Administration Committee. There being no objection, it was so ordered.

[H 574](#) - APPROPRIATION - CATASTROPHIC HEALTH CARE FUND

[H 574](#) was read the third time at length, section by section, and placed before the House for final consideration.

At this time, the Speaker recognized Mr. Wood(27) to open debate.

The question being, "Shall [H 574](#) pass?"

Roll call resulted as follows:

AYES – Anderson(Keough), Barbieri, Barrett, Bateman, Batt, Bayer, Bedke, Bell, Bilbao, Black, Block, Bolz, Boyle, Buckner-Webb, Burgoyne, Chadderdon, Chew, Collins, Crane,

DeMordaunt, Ellsworth, Eskridge, Gibbs, Guthrie, Hagedorn, Hart, Hartgen, Harwood, Higgins, Jaquet, Killen, King, Lake, Loertscher, Luker, Marriott, McGeachin, McMillan, Moyle, Nessel, Nielsen, Nonini, Palmer, Patrick, Pence, Perry, Raybould, Ringo, Roberts, Rusche, Schaefer, Shepherd, Shirley, Simpson, Sims, Smith(30), Thayn, Thompson, Trail, Vander Woude, Wills, Wood(27), Wood(35), Mr. Speaker. Total – 64.

NAYS – None.

Absent and excused – Andrus, Cronin, Henderson, Lacey, Smith(24), Stevenson. Total – 6.

Total – 70.

Whereupon the Speaker declared that [H 574](#) passed the House. Title was approved and the bill ordered transmitted to the Senate.

[H 489](#) - USE TAX

[H 489](#) was read the third time at length, section by section, and placed before the House for final consideration.

At this time, the Speaker recognized Mr. Bayer to open debate.

Pursuant to Rule 38(3), Mrs. Batt disclosed a conflict of interest regarding [H 489](#).

The question being, "Shall [H 489](#) pass?"

Roll call resulted as follows:

AYES – Anderson(Keough), Barbieri, Barrett, Bateman, Batt, Bayer, Bedke, Bell, Bilbao, Black, Block, Bolz, Boyle, Buckner-Webb, Burgoyne, Chadderdon, Chew, Collins, Crane, DeMordaunt, Ellsworth, Eskridge, Gibbs, Guthrie, Hagedorn, Hart, Hartgen, Harwood, Higgins, Jaquet, Killen, King, Lake, Loertscher, Luker, Marriott, McGeachin, McMillan, Moyle, Nessel, Nielsen, Nonini, Palmer, Patrick, Pence, Perry, Raybould, Ringo, Roberts, Rusche, Schaefer, Shepherd, Shirley, Simpson, Sims, Smith(30), Thayn, Thompson, Trail, Vander Woude, Wills, Wood(27), Wood(35), Mr. Speaker. Total – 64.

NAYS – None.

Absent and excused – Andrus, Cronin, Henderson, Lacey, Smith(24), Stevenson. Total – 6.

Total – 70.

Whereupon the Speaker declared that [H 489](#) passed the House. Title was approved and the bill ordered transmitted to the Senate.

[H 457](#) - FISH AND GAME

[H 457](#) was read the third time at length, section by section, and placed before the House for final consideration.

At this time, the Speaker recognized Mrs. Wood(35) to open debate.

The question being, "Shall [H 457](#) pass?"

Roll call resulted as follows:

AYES – Anderson(Keough), Barrett, Bateman, Batt, Bayer, Bedke, Bell, Bilbao, Black, Block, Bolz, Boyle, Buckner-Webb, Burgoyne, Chadderdon, Chew, Collins, Crane, DeMordaunt, Ellsworth, Eskridge, Gibbs, Guthrie, Hagedorn, Hart, Hartgen, Harwood, Higgins, Jaquet, Killen, King, Loertscher, Luker, Marriott, McGeachin, McMillan, Moyle, Nessel, Nielsen, Nonini, Palmer, Patrick, Pence, Perry, Raybould, Ringo, Roberts, Rusche, Schaefer, Shepherd, Shirley, Simpson, Sims, Smith(30),

Thayn, Thompson, Trail, Vander Woude, Wills, Wood(27), Wood(35), Mr. Speaker. Total – 62.

NAYS – None.

Absent and excused – Andrus, Barbieri, Cronin, Henderson, Lacey, Lake, Smith(24), Stevenson. Total – 8.

Total – 70.

Whereupon the Speaker declared that [H 457](#) passed the House. Title was approved and the bill ordered transmitted to the Senate.

[H 459](#) - FISH AND GAME

[H 459](#) was read the third time at length, section by section, and placed before the House for final consideration.

At this time, the Speaker recognized Mr. Harwood to open debate.

The question being, "Shall [H 459](#) pass?"

Roll call resulted as follows:

AYES – Anderson(Keough), Barrett, Bateman, Batt, Bayer, Bedke, Bell, Bilbao, Black, Block, Bolz, Boyle, Buckner-Webb, Burgoyne, Chadderdon, Chew, Collins, Crane, DeMordaunt, Eskridge, Gibbs, Guthrie, Hagedorn, Hart, Hartgen, Harwood, Higgins, Jaquet, Killen, King, Lake, Loertscher, Luker, Marriott, McGeachin, McMillan, Moyle, Nessel, Nielsen, Nonini, Palmer, Patrick, Pence, Perry, Raybould, Ringo, Roberts, Rusche, Schaefer, Shepherd, Shirley, Simpson, Sims, Smith(30), Thayn, Thompson, Trail, Vander Woude, Wills, Wood(27), Wood(35), Mr. Speaker. Total – 62.

NAYS – None.

Absent and excused – Andrus, Barbieri, Cronin, Ellsworth, Henderson, Lacey, Smith(24), Stevenson. Total – 8.

Total – 70.

Whereupon the Speaker declared that [H 459](#) passed the House. Title was approved and the bill ordered transmitted to the Senate.

[H 461](#) - FISH AND GAME

[H 461](#) was read the third time at length, section by section, and placed before the House for final consideration.

At this time, the Speaker recognized Mr. Patrick to open debate.

The question being, "Shall [H 461](#) pass?"

Roll call resulted as follows:

AYES – Anderson(Keough), Barbieri, Barrett, Bateman, Batt, Bayer, Bedke, Bell, Bilbao, Black, Block, Bolz, Boyle, Buckner-Webb, Burgoyne, Chadderdon, Chew, Collins, Crane, DeMordaunt, Eskridge, Gibbs, Guthrie, Hagedorn, Hart, Hartgen, Harwood, Higgins, Jaquet, Killen, King, Lake, Loertscher, Luker, Marriott, McGeachin, McMillan, Moyle, Nessel, Nielsen, Nonini, Palmer, Patrick, Pence, Perry, Raybould, Ringo, Roberts, Rusche, Schaefer, Shepherd, Simpson, Sims, Smith(30), Thayn, Thompson, Trail, Vander Woude, Wills, Wood(27), Wood(35), Mr. Speaker. Total – 62.

NAYS – None.

Absent and excused – Andrus, Cronin, Ellsworth, Henderson, Lacey, Shirley, Smith(24), Stevenson. Total – 8.

Total – 70.

Whereupon the Speaker declared that [H 461](#) passed the House. Title was approved and the bill ordered transmitted to the Senate.

[H 525](#) - FISH AND GAME

[H 525](#) was read the third time at length, section by section, and placed before the House for final consideration.

At this time, the Speaker recognized Mr. Eskridge to open debate.

The question being, "Shall [H 525](#) pass?"

Roll call resulted as follows:

AYES – Anderson(Keough), Barbieri, Barrett, Bateman, Batt, Bayer, Bedke, Bell, Bilbao, Black, Block, Bolz, Boyle, Buckner-Webb, Burgoyne, Chadderdon, Chew, Collins, Crane, DeMordaunt, Ellsworth, Eskridge, Gibbs, Guthrie, Hagedorn, Hart, Hartgen, Harwood, Higgins, Jaquet, Killen, King, Lake, Loertscher, Luker, Marriott, McGeachin, McMillan, Moyle, Nessel, Nielsen, Nonini, Palmer, Patrick, Pence, Perry, Raybould, Ringo, Roberts, Rusche, Schaefer, Shirley, Simpson, Sims, Smith(30), Thayne, Thompson, Trail, Vander Woude, Wills, Wood(27), Wood(35), Mr. Speaker. Total – 63.

NAYS – None.

Absent and excused – Andrus, Cronin, Henderson, Lacey, Shepherd, Smith(24), Stevenson. Total – 7.

Total – 70.

Whereupon the Speaker declared that [H 525](#) passed the House. Title was approved and the bill ordered transmitted to the Senate.

[H 543](#) - FISH AND GAME

[H 543](#) was read the third time at length, section by section, and placed before the House for final consideration.

At this time, the Speaker recognized Mr. Gibbs to open debate.

Mr. Gibbs asked unanimous consent that, pursuant to Rule 22, discussion of [H 457](#) be allowed in debate of [H 543](#). There being no objection it was so ordered.

The question being, "Shall [H 543](#) pass?"

Roll call resulted as follows:

AYES – Anderson(Keough), Barbieri, Barrett, Bateman, Batt, Bayer, Bedke, Bell, Bilbao, Black, Block, Bolz, Boyle, Buckner-Webb, Burgoyne, Chadderdon, Chew, Collins, Crane, DeMordaunt, Ellsworth, Eskridge, Gibbs, Guthrie, Hagedorn, Hart, Hartgen, Higgins, Jaquet, Killen, Lake, Loertscher, Luker, Marriott, McGeachin, McMillan, Moyle, Nessel, Nielsen, Nonini, Palmer, Patrick, Pence, Perry, Raybould, Ringo, Roberts, Rusche, Schaefer, Shepherd, Shirley, Simpson, Sims, Smith(30), Thayne, Thompson, Trail, Vander Woude, Wills, Wood(27), Wood(35), Mr. Speaker. Total – 62.

NAYS – King. Total – 1.

Absent and excused – Andrus, Cronin, Harwood, Henderson, Lacey, Smith(24), Stevenson. Total – 7.

Total – 70.

Whereupon the Speaker declared that [H 543](#) passed the House. Title was approved and the bill ordered transmitted to the Senate.

Mr. Moyle asked unanimous consent that the remaining bills on the Third Reading Calendar retain their places until Monday, February 27, 2012. There being no objection, it was so ordered.

There being no objection, the House advanced to the Sixteenth Order of Business.

Adjournment

Mr. Moyle moved that the House adjourn until 10:30 a.m., Monday, February 27, 2012. Seconded by Mr. Rusche. Motion carried.

Whereupon the Speaker declared the House adjourned at 12:01 p.m.

LAWRENCE DENNEY, Speaker

ATTEST:

BONNIE ALEXANDER, Chief Clerk